

NAIR et al
Appl. No. 09/875,264
July 28, 2003

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

Claims 1-18 and 20-38 have been cancelled without prejudice. Applicants reserve the right to pursue deleted subject matter in a continuing application. New claim 39 has been added. Claim 39 adopts certain language suggested by the Examiner.

Claims 19 and 20 stand rejected under 35 USC 112, first paragraph, as allegedly being non-enabled. Withdrawal of the rejection is submitted to be in order in view of the above-noted cancellation of claim 20 and further in view of the comments that follow.

Claim 19 is drawn to a method of producing a cytotoxic T lymphocyte (CTL). In accordance with the claimed method, a T lymphocyte is contacted *in vitro* with an antigen presenting cell loaded with tumor-derived or pathogen-derived RNA. The T lymphocyte is maintained under conditions conducive to CTL proliferation, thereby producing said CTL.

Respectfully, the claim as presented is fully supported by the disclosure. As regards the RNA introduced into the antigen presenting cells, attention is directed, for example, to the disclosure provided on pages 6 and 7 of the application and in the Examples.

As regards the T lymphocytes, the claim requires the production of CTL and thus basis for the Examiner's concern is not seen.

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Respectfully, and the Examiner's assertions to the contrary, no undue experimentation would have been required to practice the invention as claimed.

Reconsideration is requested.

Claim 20 stands rejected under 35 USC 102(b). Cancellation of the claim renders the rejection moot.

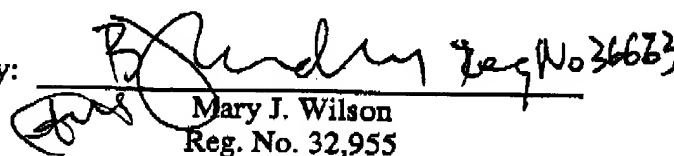
Claims 19 and 20 stand rejected as representing obviousness-type double patenting over claims 1-14 of Application No. 09/667,319. Given the provisional nature of the rejection, the Examiner is urged to hold it in abeyance until the case is otherwise in condition for allowance.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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